THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 16740 of 2005

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

Between:

K. Janga Reddy, S/o. (Late) Chandra Reddy,
R/o. 17-1-383/M/29, Manoharnagar Colony, Saidabad, Hyderabad.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad, Rep by its Commissioner, Tank Bund,

Hyderabad.
2 Assistant Commissioner, Municipal Corporation of Hyderabad, Circle N o. 1,

Sardar Mahal, Charminar, Hyderabad.
3 Additional Commissioner/Planning and Projects, Municipal Corporation of

Hyderabad, Tank Bund, Hyderabad.
4 Chief City Planner, Circle No. 1, Municipal Corporation of Hyderabad,

Hyderabad.
5 Dr. Sugunakar Reddy, S/o. Not Known to the petitioner,
R/o. 17-1-383/M/30, Manohar Colony, Saidabad, Hyderabad.

.....RESPONDENTS

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 16740 of 2005

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India seeking a mandamus declaring the inaction of the official respondents in not preventing the 5th respondent from proceeding with construction in Premises No.17-1-383/M/30, Manoharnagar Colony, Saidabad, Hyderabad in deviation to the sanctioned plan and without leaving the required setbacks as illegal and arbitrary.

The petitioner is the absolute owner and possessor of the premises NO.17-1-383/M/29, Manoharnagar Colony, Hyderabad. On the eastern side of his house, the premises of the 5th respondent baring No. 17-1-383/M/30 is situated. It is stated that

the 5th respondent started construction of a multi-storied building by deviating from the sanctioned plan approved by the official respondents. In view of the same, the petitioner being the Secretary of the colony made representations dated 25-06-2005, 28-06-2005, 14-07-2005, and

15-07-2005 to the official respondents 1 to4, requesting to take necessary action in this regard. The grievance of the petitioner is that though he made several representations to the official respondents, they did not take necessary steps against the 5th respondent for contravening the sanctioned plan. Aggrieved by the same, the petitioner filed the present writ petition.

Heard both sides.

On a perusal of the material available on record, the petitioner being the Secretary of the colony made several representations to the official respondents. Admittedly, the official respondents who have to look into the matter as to whether the 5th respondent contravened the sanctioned plan or not, did not take steps in this regard.

Having considered all the facts and circumstances of the case, and in view of the fact that the representations made by the petitioner is still pending with the official respondents 1 to 4, without going into the merits of the case, I am of the considered view that the ends of justice would be met if the official respondents 1 to4 are directed to consider the representations made by the petitioner within a period of two weeks from the date of receipt of the order in accordance with law after giving opportunity to both the parties.

With the above direction, the writ petition is disposed of. No costs.

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29-07-2005

Mjl/*